

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF PUERTO RICO

3 MIGUEL RIVERA SANTIAGO

4 Petitioner,

5 v.
6 UNITED STATES OF AMERICA,

7 Respondent.

CIVIL NO. 97-1557 (RLA)
Crim. No. 91-397 (RLA)

8 **MINUTES OF PRE-HEARING CONFERENCE**
9 **HELD ON MARCH 3, 2005**
AND RESCHEDULING EVIDENTIARY HEARING

10 At the Pre-Hearing Conference held on March 3, 2005, from 2:00
11 p.m. to 3:10 p.m. petitioner was represented by RAFAEL ANGLADA LOPEZ,
12 ESQ. The United States of AMERICA was represented by AUSA EDWIN O.
13 VAZQUEZ.

14 The Court again discussed with counsel the scope of the remand
15 from the First Circuit Court of Appeals in this action. See Miguel
Rivera-Santiago v. United States, No. 02-2458, slip op. (1st Cir. June
16 25, 2004) (*per curiam*). The government argued that the extent of
17 what this district court can and must do is limited by its
18 Certificate of Appealability and by the Circuit Court's ruling, which
19 directs us to focus solely on two issues: (1) was petitioner informed
20 of a purported plea agreement offer by the government; and (2) was
21 petitioner impeded from testifying on his own behalf despite his
22 insistence on doing so. See also, United States' Submission
23 Outlining Preserved Issues... (docket No. 75). In view of the above,
24 the government argues, defendant's plan to introduce other legal
25 arguments for the court's consideration, such as those generated by
the Booker and Blakely Supreme Court decisions must be rejected.

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3 The Court agreed. Accordingly, points (3) and (4) of
4 petitioner's Preliminary Statement of Issues, as set forth in the
5 Informative Motion... (docket No. 76) will not be considered as part
6 of the issues to be heard at the evidentiary hearing.

7 The Court also discussed the request for a postponement of the
8 evidentiary hearing presented by petitioner's attorney. Counsel is
9 representing one of the codefendants in a complex multi-defendant
10 trial that is due to commence before Hon. Judge Daniel Dominguez
11 shortly. Since that case is expected to last until late April,
12 counsel requested a resetting of the evidentiary hearing. The
Government did not oppose.

13 Accordingly, the EVIDENTIARY HEARING previously scheduled for
14 March 9, 2005 is hereby rescheduled for **May 5, 2005, at 9:30 a.m.**

15 Petitioner's motion setting forth a Revised List of Issues to
16 be examined by the Court at the evidentiary hearing shall be filed **on**
or before March 9, 2005. The UNITED STATES' response shall be filed
17 **on or before March 14, 2005.**

18 Petitioner shall provide to the U.S. Government copies of the
19 documentary evidence he intends to use at the hearing **on or before**
20 **March 11, 2005.**

21 TRIAL BRIEFS shall be filed **on or before April 28, 2005.**

22 IT IS SO ORDERED.

23 San Juan, Puerto Rico, this 8th day of March, 2005.

24 _____ S/Raymond L. Acosta
25 RAYMOND L. ACOSTA
United States District Judge